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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 ROLAND MA,

9 Plaintiff,

10 v.

11 CITY OF SEATTLE, *et al.*,

12 Defendants.

NO. C19-1764RSL

ORDER DENYING MOTION FOR
RECONSIDERATION

13 On July 2, 2020, the above-captioned matter was dismissed because the allegations of the
14 second amended complaint (as supplemented by the proposed allegations against Detective
15 Sandbeck) did not give rise to a plausible inference that the officer engaged in unlawful activity,
16 that any of the conduct alleged was the result of a municipal policy or practice, or that plaintiff is
17 entitled to relief under any of the claims asserted. Plaintiff appealed the dismissal, and the Court
18 determined that plaintiff's claims were frivolous and that the appeal was not taken in good faith
19 for purposes of 28 U.S.C. § 1915(a)(3). On July 20, 2020, plaintiff filed a "Motion for
20 Reconsideration." Dkt. # 94.
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22 To the extent plaintiff is seeking reconsideration of the order of dismissal, his request is
23 untimely. Motions for reconsideration must "be filed within fourteen days after the order to
24 which it relates is filed," which means plaintiff was required to seek reconsideration of the
25 dismissal order on or before July 16, 2020. He did not. The Court therefore assumes that the
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27 ORDER DENYING MOTION
28 FOR RECONSIDERATION - 1

1 motion for reconsideration is directed at the Court's recommendation that *in forma pauperis*
2 status not be granted to plaintiff on appeal. Regarding that determination, plaintiff has not shown
3 manifest error or new information that could not have been brought to the Court's attention with
4 reasonable diligence. The motion for reconsideration is therefore DENIED.
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6 Plaintiff is not without recourse, however.

7 Although a litigant is not entitled to proceed *in forma pauperis* on appeal when a
8 district court has entered a certification under § 1915(a)(3), the litigant may
9 challenge that certification by filing a motion in [the Ninth Circuit] pursuant to
10 Rule 24(a)(5). *See* Fed. R. App. P. 24 advisory committee notes ("The final
11 paragraph [of subsection (a)] establishes a subsequent motion in the court of
appeals, rather than an appeal from the order of denial or from the certification of
lack of good faith, as the proper procedure for calling in question the correctness
of the action of the district court.").

12 O'Neal v. Price, 531 F.3d 1146, 1150 (9th Cir. 2008). Plaintiff may therefore seek review of the
13 undersigned's § 1915(a)(3) certification by filing a motion in the Ninth Circuit, which may
14 ultimately grant plaintiff leave to take an appeal *in forma pauperis*.
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17 Dated this 12th day of August, 2020.

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19 Robert S. Lasnik
20 United States District Judge
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